

Meeting of 2011-10-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 11, 2011 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
 Frank V. Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Rex Givens, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven Doug Wells, Ward Eight

ABSENT: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 27, 2011.

MOVED by Wells SECOND by Zarle to approve the minutes of Lawton City Council regular meeting of September 27, 2011
AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Fitch stated they need to strike item #3 and pull item #12 to change some language.

MOVED by Burk SECOND by Shoemate to approve the consent agenda with the exception of items #3 and #12. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

1. Consider the following damage claims recommended for approval: Jack and Maria Parker in the reduced amount of \$500.00 and Elenore Urbina in the amount of \$100.00. Exhibits: **Resolution 11-92**. Legal Opinions/Recommendations.
2. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers compensation claim of Jeffrey McCoy. Exhibits: **Resolution No. 2011-93**.
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers compensation claim of Russell Bell. Exhibits: Resolution No. 2011-____. **STRICKEN**
4. Consider approving a resolution extending for the remainder of Fiscal Year 2011-2012 the use of the current pay scale charts for city positions currently identified as being included in the AFSCME bargaining unit. Exhibits: **Resolution 11-94** with attached pay charts.

5. Consider adopting a resolution approving the submission of Part II Pat Henry Elementary School Safe Routes to School applications for infrastructure and non-infrastructure projects and authorizing the Mayor and City Clerk to execute. Exhibits: **Resolution No. 11-95** and map illustrating infrastructure project.
6. Consider endorsement of the 6th Annual Spirit of Survival Event as a City co-sponsored event held on October 15-16, 2011 and hereafter be considered as an annual city co-sponsored event in Elmer Thomas Park, and approve \$5,000 to assist in funding the event for fiscal year 2011-2012. Exhibits: Elmer Thomas Park Standard Contract.
7. Consider entering into an agreement with LeadsOnline to enhance and coordinate leads and allow an on-line database for local Pawn Dealers to submit their required information for the new pawn shop ordinance adopted in September 13, 2011. Exhibits: Agreement paperwork with pricing sheet.
8. Consider accepting a grant of \$750 from the American Library Association with the support of the National Endowment for the Humanities for the *Lincoln: The Constitution and the Civil War traveling exhibit*. Exhibits: The American Library Association grant agreement is on file in the City Clerk's Office.
9. Consider accepting a grant of \$811 from the Oklahoma Humanities Council to support the 2011-12 *Let's Talk About It, Oklahoma*. Exhibits: The Oklahoma Humanities Council grant agreement is on file in the City Clerk's Office.
10. Consider approving a credit adjustment to Keith Kelman's service account #22160 in the amount of \$865.66 for two months' service bills for an undetectable leak at 5106 SE Bishop Road. Exhibits: Repair bill dated 7/26/2011 from Action Plumbing.
11. Consider approving a resolution amending Article A-12-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by striking the letter E and substituting the letter C in order to correctly reference paragraph C in Section 12-1-115, Lawton City Code, 2005. Exhibits: **Resolution No. 11-96**.
12. Consider granting a revocable permit for parking and maneuvering and landscaping on a utility easement located along the west property line of Lot 1, Block 1, Sun Group Development, also known as 7402 NW Quanah Parker Trailway. Exhibits: Location Map, Application. Revocable Permit on file in City Clerk's Office.

Jensen stated this permit was requested by Tractor Supply. The permit is necessary because their parking lot encroaches upon a public utility easement by approximately five feet. It was recognized during the building permit process and they did submit their application to the planning director. The applicant did have some concern about the fact that the permit can be revoked without cause. Staff discussed this issue with their attorney and they agreed to add language that does not allow the permit to be revoked without cause, but it can be revoked with cause or we can deny the permit. This language has been added to the permit and staff is recommending this item be approved with this change.

MOVED by Zarle SECOND by Wells. approve a revocable permit as amended, for parking and maneuvering and landscaping on a utility easement located along the west property line of Lot 1, Block 1, Sun Group Development, also known as 7402 NW Quanah Parker Trailway. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED.

13. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: eastbound NW Crosby Park Boulevard at the intersection of NW Horton Boulevard and NW Crosby Park Boulevard; eastbound SW Malcom Road near SW 52nd Street; eastbound and westbound SW Magnolia Avenue in the residential zoning area between SW 10th Street and SW 6th Street; northbound NW St. James Place at the intersection of NW Cache Road; northbound and southbound NW 13th Street between NW Lawton Avenue and NW Baldwin Avenue; East Gore Boulevard and NE Albert Johnson Sr Avenue for Douglass Elementary School and ; SW E Avenue, SW D Avenue, SW C Avenue, SW 24th Street, SW 24th Place, SW 25th Street and SW Evans Avenue for Howell Elementary School. Exhibits: **Resolution No. 11-97** and Traffic Commission Minutes and Traffic Issue Requests.
14. Consider adopting **Street Light Resolution No. 472** to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 472.
15. Consider awarding contract (CL12-008) Degreaser to Mid-American Research Chemical Corp of Windthorst, TX. Exhibits: department recommendation, abstract of bids, price sheet.
16. Consider approving appointments to boards and commissions. Exhibits: None.

Historical Preservation Commission

Paige Michener
102 Ft. Sill Blvd.

17. Consider approval of payroll for the period of September 19 October 2, 2011.

NEW BUSINESS ITEMS:

18. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2010, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. Exhibits: None. The CAPER is on file in the City Clerk s Office.

Tim Libby, Assistant Director for Housing and Community Development, stated HUD requires grantees to submit a CAPER, which reports on the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs activities and accomplishments during the previous program year.

A power point presentation was made by Libby.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shoemate, to approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

19. Consider entering into an Agreement with Inland Service Corporation for Non Exclusive Recycle Center Operations within the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk s Office.

Jerry Ihler, Public Works Director, stated approximately seven months ago staff received a letter from Horn Sanitation who were picking up recyclables at Eastside Park and Eisenhower School. Mr. Horn indicated that he can no longer provide this service. He stated the council did extend the contract and Mr. Horn agreed to continue to provide that service for another six month period or a time frame of when they would award a new agreement. He stated staff did go out for request for proposals and they received three proposals. The proposals have been reviewed and evaluated. All three proposals are from local companies. He stated File 13 proposed a Dirty Murf in which the City would provide a building facility at the landfill and all the trash would be delivered to that facility. The City would pay for the construction of the building and they would provide the equipment and separate out all the recyclables. The cost of the building would be approximately \$1.2 million. He stated at this time the City does not have the funding to pursue this option, however, staff does believe this is an option that they need to look at for the future because they could see some savings in landfill space. The other two proposals were more along the lines of what we were requesting. Staff had identified five locations across the city for recycling centers. One proposal was from Horn Sanitation and the other was from Inland Services. The price difference between the two proposals was only \$160. One was \$100,000 and one was \$99,840. The proposal from Horn Sanitation required that the City provide all of the containers for the five locations as well as the fencing. The cost of the containers is approximately \$7,500 - \$9,000 and that made the cost of the proposal higher than Inland Services. Inland Services stated they would provide all of the containers and build the site locations. Staff is recommending that the council accept the proposal from Inland Services. He stated they discussed the funding for this issue at a previous council meeting and they cannot fund the full five sites for the entire year. For the remainder of this fiscal year staff is recommending three locations, Eastside Park, Grandview Park and McMahon Park for a cost of \$44,000. This agreement would also provide for an option to renew four additional one year terms at a cost of approximately \$100,000 for five locations. The funding source for this fiscal year would be \$15,000 from Council Contingency and the remainder of the funds, \$29,000 to \$30,000 would come from the solid waste collection budget. These funds would come from the elimination of October and January debris pick ups.

Zarle stated Mr. Horn had spoken with him regarding another option.

Bob Horn, Horn Sanitation, stated several years ago the City requested help with recycling and Horn Sanitation stepped forward and invested money and put out containers. He has done everything he can think of to make this work. He has asked for help from Jeff Ash, IESI, even though he is his competitor, when he heard that the City was taking money from other projects. He stated that Mr. Ash has worked out a solution.

Jeff Ash, Division Manager for IESI, stated he and Mr. Horn have been discussing recycling for the past few weeks. He stated the solid waste business is now going green and they currently have a recycling facility in McKinney, Texas and he is now building a murf in Iowa Park and he will be able to process single stream recycling. He has two contracts with Altus Air Force Base and Sheppard Air Force Base to put in single stream recycling. He feels this is the way the world is moving and that they can come up with some better options.

Ihler stated the staff feels that there are other options for the future, but in the interim they recommend that the council move forward with what is currently proposed.

Burk stated that he and council member Tennis have been involved in these discussions with different companies to talk about this situation. He stated they have asked for and received bids and staff is recommending the contract with Inland at least until June 30th. He stated they can discuss another plan during this time. He recommended they award the contract to Inland.

Wells questioned if we had the option to break the lease.

Jensen stated Inland will have the option to request a renewal on July 1st, but it is not a right in the contract, it is just an option to request that the council can approve or deny.

Ihler stated the contract states that Inland has to provide a request ninety days before the end of the contract if they want to continue. Council has the right to decide if they want to continue. He stated there is a thirty day clause that either party can terminate the contract for any reason.

Mayor Fitch stated staff can continue to look at our options and council could decide to go in another direction in July.

Ihler stated staff believes that a dirty murf is where they need to go in the future.

Mr. Horn questioned why the City would pay for services for the next nine months when he provided the service at no cost.

Burk stated they have met with Mr. Horn on this issue and the numbers he gave them were approximately \$3,000 per month. When the bids came out, it was almost \$100,000. There is a huge difference there. The services we have been receiving have been lacking and there have been numerous complaints about the bins not being emptied on a regular basis.

Mr. Horn stated that now he has some backing and he can provide better service.

Burk stated he feels that the proposals were received and they need to move forward with the best bid.

MOVED by Burk SECOND by Tennis, to approve an agreement with Inland Service Corporation for Non Exclusive Recycle Center Operations within the City of Lawton. AYE: Tennis, Bellino-Hall, Burk, Givens, Haywood, Wells. NAY: Zarle, Shoemate. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mitchell presented a pin to council member Wells for earning his Certified Elected Official status with the Oklahoma Municipal League. He stated he is the first council member from Lawton to complete this certification.

Haywood recognized former Mayor John Purcell for his work in the restoration of the building.

The Mayor and Council convened in executive session at 6:46 p.m. and reconvened in regular, open session at 7:49 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Kerry Fryer-Price and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #20. No action is needed.

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Rikki Williams and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Burk SECOND by Tennis, to approve a settlement in the pending damage claim of Rikki Williams in the amount of \$125,000 and authorize the Mayor and City Attorney to execute any documents to effectuate the settlement. AYE: Givens, Zarle, Haywood, Wells. Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a proposed settlement of the City s claim for reimbursement of expenses resulting from the vehicle accident of Maurice Neil Morgan and, if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Wells SECOND by Shoemate, to approve settlement in the City s claim for reimbursement of expenses resulting from the vehicle accident of Maurice Neil Morgan in the amount of \$12, 666.66 which represents one third the total settlement amount of \$38,000 and authorize the Mayor and City Attorney to execute any documents to effectuate the settlement. AYE: Zarle, Haywood, Wells. Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property and financing in connection with the Lawton Downtown Redevelopment Project, for the hotel-conference center and the mixed-use commercial retail establishments and take appropriate action, if necessary, in open session. Exhibits: None.

Jensen read the title of item #23. No action is needed.

24. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24. No action is needed.

There being no further business to consider, the meeting adjourned at 7:56 p.m. upon motion, second and roll call vote.

/s/ Fred L. Fitch
FRED L. FITCH, MAYOR
ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK